Remarks

Reconsideration of this application is respectfully requested in view of the foregoing amendments to the claims and the following remarks.

With regard to the restriction requirement and election, the Examiner will notice that the claims drawn to Group II, claims 25-79, have been cancelled from this application without prejudice to refile the claims in a divisional application.

The Examiner will notice that newly presented claims 80-106 are similar to the dependent claims originally filed is part of the present application. These claims do not constitute new matter.

With regard to the Official action of October 3, 2002, the Examiner has rejected claims 1-3, 5, 6, 8, 9 and 13-34 under 37 U.S.C. §102(b) as being anticipated by the Chader et al. (U.S. Patent No. 5,617,857) hereinafter the Chader '857 patent. This rejection as it applies to claims as amended is respectfully traversed.

In construing the Chader '857 patent, the Examiner has contended that the device described in the Chader '857 patent includes a transponder. While a broad definition of the term "transceiver" does include any type of interface between different devices, applicant's invention relates to wireless smart instruments that include a radio or similar transceiving device. This device communicates with the surgical navigation system without the use of wires. Claims 1, 23 and 29 have been amended to more fully clarify the fact that the bidirectional communication from the surgical navigation system to the smart instrument device is solely through this wireless link. The devices described in the Chader '857 patent are all hard wired to the surgical navigation. Since there is no disclosure or suggestion of wireless communication in the Chader

'857 patent, this rejection has been obviated and it is respectfully requested that this rejection be withdrawn.

With regards to the rejection of claims 4-7 and 10-12 as obvious over the Chader '857 patent, since these claims are dependent upon claim 1, it is contended that this rejection also should be withdrawn.

Attached hereto as pages 12-16 is a marked-up version of the changes made to the claims by the current amendment.

It is therefore contended that this application has been placed in immediate condition for allowance. Such action at an early date is earnestly solicited requested.

Respectfully submitted,

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Version with Markings to Show Changes Made

In the Claims:

Please amend claims 1 to 34 as follows:

1. A smart instrument for use in a surgery system, comprising:

a housing;

a plurality of light emitting diodes coupled to the housing and being adapted to fire independently; and[,]

a wireless transceiver adapted to communicate with the surgery system, wherein bi-directional communication of the smart instrument with the surgery system is solely through a wireless communication system.

2. [A smart instrument, as set forth in claim] The smart instrument of claim 1, wherein the smart instrument includes a memory circuit for storing information related to the smart instrument.

3. [A smart instrument, as set forth in claim] The smart instrument of claim 2, wherein the smart instrument is adapted to transmit via the transceiver the information stored on the memory circuit in response to a received signal.

4. [A smart instrument, as set forth in claim] The smart instrument of claim 1, wherein the smart instrument includes a status light.

5. [A smart instrument, as set forth in claim] The smart instrument of claim 1, wherein the smart instrument is adapted to be for a specific purpose.

6. [A smart instrument, as set forth in claim] The smart instrument of claim 1, wherein the smart instrument is adapted to be used as a pointer.

7. [A smart instrument, as set forth in claim] The smart instrument of claim 1, wherein the smart instrument is adapted to be used as a scalpel.

8. [A smart instrument, as set forth in claim] The smart instrument of claim 1, wherein the smart instrument is adapted to be used as a probe.

9. [A smart instrument, as set forth in claim] The smart instrument of claim 1, wherein the smart instrument is adapted to be used as a validation tool for other smart instruments.

10. [A smart instrument, as set forth in claim] The smart instrument of claim 1, wherein the smart instrument is adapted to be used as a suction device.

11. [A smart instrument, as set forth in claim] The smart instrument of claim 1, wherein the smart instrument is adapted to be used as a pin.

12. [A smart instrument, as set forth in claim] The smart instrument of claim 1, wherein the smart instrument is adapted to be used as a clamp.

13. [A smart instrument, as set forth in claim] The smart instrument of claim 1, wherein the smart instrument is adapted to be interchangeably coupled with a plurality of generic instruments.

14. [A smart instrument, as set forth in claim] The smart instrument of claim 1, wherein the smart instrument is adapted to be interchangeably coupled with a patient tracking system.

15. [A smart instrument, as set forth in claim] The smart instrument of claim 1, wherein the smart instrument is adapted to be interchangeably coupled with a patient tracking system and at least one generic instrument.

16. [A smart instrument, as set forth in claim] The smart instrument of claim 1, wherein the smart instrument includes an activation button.

17. [A smart instrument, as set forth in claim] The smart instrument of claim 16, wherein the smart instrument is adapted to transmit via the transceiver information stored on a memory circuit in response to a received signal.

18. [A smart instrument, as set forth in claim] The smart instrument of claim 17, wherein the information includes a status of the activation button.

19. [A smart instrument, as set forth in claim] The smart instrument of claim 1, wherein the smart instrument includes a plurality of control buttons for remotely controlling the surgery system.

20. [A smart instrument, as set forth in claim] The smart instrument of claim 19, wherein the smart instrument is adapted to transmit via the transceiver information stored on a memory circuit in response to a received signal.

21. [A smart instrument, as set forth in claim] The smart instrument of claim 20, wherein the information includes a status of control buttons.

22. [A smart instrument, as set forth in claim] The smart instrument of claim 1, wherein the smart instrument includes an up button, a select button, and a down button.

23. A smart instrument for use in a surgery system, comprising:

a housing;

a plurality of light emitting diodes coupled to the housing and being adapted to fire independently;

a wireless transceiver adapted to communicate with the surgery system;

an activation button; an adapter interface coupled to the housing; and[,]

a release button operatively [couple] coupled to the adapter interface, [where] wherein the smart instrument is adapted to be interchangeably coupled with a patient tracking system and at least one generic instrument, and wherein bi-directional communication of the smart instrument with the surgery system is solely through a wireless communication system.

24. [A smart instrument, as set forth in claim] The smart instrument of claim 23, wherein the smart instrument further a memory circuit for storing information related to the smart instrument.

25. [A smart instrument, as set forth in claim] The smart instrument of claim 24, wherein the information stored on the memory circuit is updated by the surgery system.

26. [A smart instrument, as set forth in claim] The smart instrument of claim 24, wherein the information stored on the memory circuit includes calibration information.

27. [A smart instrument, as set forth in claim] The smart instrument of claim 26, wherein the calibration information is updateable using a calibration station.

28. [A smart instrument, as set forth in claim] The smart instrument of claim 24, wherein the smart instrument further includes a validation point for validating other smart instruments.

29. A smart instrument for use in a surgery system, comprising:

a housing;

a plurality of light emitting diodes coupled to the housing and being adapted to fire independently;

a wireless transceiver adapted to [communication] communicate with the surgery system;

a plurality of control [button] buttons for remotely controlling the surgery system; and[,]

a work tip coupled to the housing, wherein bi-directional communication of the smart instrument with the surgery system is solely through a wireless communication system.

30. [A smart instrument, as set forth in claim 29 including] The smart instrument of claim 29, wherein the smart instrument further includes a memory circuit for storing information related to the smart instrument.

31. [A smart instrument, as set forth in claim] The smart instrument of claim 30, wherein the information stored on the memory circuit is updated by the surgery system.

32. [A smart instrument, as set forth in claim] The smart instrument of claim 30, wherein the information stored on the memory circuit includes calibration information.

33. [A smart instrument, as set forth in claim] The smart instrument of claim 32, wherein the calibration information is updateable using a calibration tool.

34. [A smart instrument, as set forth in claim] The smart instrument of claim 29, wherein the smart instrument further includes a validation point for validating other smart instruments.